

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE TWELFTH DAY OF JULY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE RAMESH RANGANATHAN

WRIT PETITION NO : 14976 of 2005

Between:

- 1 Mangalampally Saritha, W/o. M. Krishna Mohan,
R/o. Veerabhadranagar, Hayathnagar, R.R.District.
- 2 Godala Jagan Reddy, S/o. Raghava Reddy,
R/o. Mall Village, Nallavelli Post, yacharam Mandal, R.R.District.
- 3 M. Seenaiiah, S/o. M. Chandraiah,
r/o. Uppuguda, Hyderabad.
- 4 G. Anantha Laxmi, W/o. G. Bikshapathi,
R/o. Teladavaripallis, Chandampet Mandal, Nalgonda District.
- 5 Sapavath Laxman, s/o. Somla Naik,
R/o. Teladavaripallis, Chandampet Mandal, Nalgonda District.
- 6 Telukalapally Lalitha, W/o. T. Govinds,
R/o. Plot No. 18, Shsirdinagar, Hasthinapouram, Hyderabad.
- 7 Chanda Manjula, W/o. Ch. Srinivas,
R/o. BN Reddy Nagar, Karmanghat, RR District.
- 8 N. Kamala, w/o. N. Paramesha,
R/o. Thangedapally, Choutappal, Nalgonda District.
- 9 Maisagoni Jhansi Rani, w/o. M. Krishna,
R/o. Revanpally Viullage, Bhoodan Pochampally Mandal,

Nalgonda District.
- 10 Somaiah, s/o. Balaiah,
R/o. Sahitinagar, P & T Colony, Dilsukhnagar, Hyd.
- 11 Maisagoni Pandu, S/o. sudershan,
R/o. Revanpally Vill, Nalgonda District.

..... PETITIONERS

AND

- 1 The State of A.P., rep. by its Special Chief Secretary to the Revenue Dept.,
Secretariat, Hyderabad.
- 2 The District Collector, R.R.District, Khairatabad, Hyderabad.

- 3 The District Registrar, Stamps and Registration, R.R.District.
4 The Sub-Registrar, Champapet, Hyderabd,.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to Issue a writ or order or direction more particularly one in the nature of writ of mandamus declaring that the action of the respondent No.4 in not releasing the petitioners sale deed as bad, arbitrary, illegal, discriminatory, violative of principles of natural justice and contrary to G.O.Ms.No. 807 Revenue (Regn I) Department dt. 13.10.2004 and consequently direct the respondent No.4 to release the sale deeds of the petitioner and after due registration of their plots and pass such other order or orders as this Hon'ble Court may deem fit and proper in the circumstances of the case.

Counsel for the Petitioners: MR.P.VENKATESWAR RAO

Counsel for the Respondents: GP FOR REVENUE

The Court made the following :

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ORDER:

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Heard the learned counsel for the petitioners and the learned Government Pleader for Revenue.

This writ petition is filed questioning the action of the 4th respondent-Sub-Registrar, Champapet, Rangareddy District, in not registering and releasing the sale deeds of the petitioners as per G.O.Ms.No.807, Revenue (Registration-I) Department, dated 13-10-2004, as illegal, arbitrary, discriminatory, violative of principles of natural justice and contrary to G.O.Ms.No.807, dated 13-10-2004 and consequently, to direct the 4th respondent to release the sale deeds of the petitioners after due registration of their respective plots.

The petitioners contend that they purchased certain residential plots in S.Nos.57 to 60, situated at Karmanghat village, Saroornagar Mandal, Rangareddy District. They paid the requisite registration fee and submitted their sale deeds to the 4th respondent for registration. But, the 4th respondent refused to register the sale deeds on the ground that the State Government had issued G.O.Ms.No.751 dated 12-12-2001, wherein, it was declared that registration of documents of immovable property in the said survey numbers was opposed to public policy. All the Sub-Registrars were directed not to register any sale deeds pertaining to the said survey numbers and to pass refusal orders. Subsequently, Government issued G.O.Ms.No.807, dated 13-10-2004 under sub-section 1 of Section 22-A of the Registration Act, 1908, denotifying the earlier notification issued in G.O.Ms.No.751, dated 12-12-2001 in respect of the lands situated in the said survey numbers.

It is the case of the petitioners that in the light of G.O.Ms.No.807, dated 13-10-2004, the objections raised by the 4th respondent on the basis of G.O.Ms.No.751, dated 12-12-2001, does not exist. The petitioners placed reliance on the judgment of this Court in WP.No.11805 of 2005 dated 07-06-2005, wherein, this Court directed the respondents to release the documents presented by the petitioners for registration without raising any objection on the basis of the said G.O.Ms.No.751, dated 12-12-2001. However, this Court made it clear that the order passed in WP.No.11805 of 2005 dated 07-06-2005 did not disable the registering authority to withhold the registration of documents, if there were some other objections for the

registration of the documents, other than on the basis of G.O.Ms.No.751, dated 12.12.2001 and if there be other objections, the registering authority was directed to communicate such objections to the petitioners.

Accordingly, this writ petition is also disposed of in terms of the order passed in WP.No.11805 of 2005, dated 07-06-2005 with the following directions:

The fourth respondent shall release the documents presented by the petitioners for registration without raising any objections on the basis of G.O.Ms.No.751, dated 12-12-2001. The registering authority, however, is not disabled from withholding registration if there are some other objections to the registration of the documents other than on the basis of G.O.Ms.No.751, dated 12-12-2001. If there be other objections, the registering authority shall communicate such objections to the petitioners.

The writ petition is disposed of accordingly.

(RAMESH RANGANATHAN, J)

12th JULY, 2005.

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To

- 1 The Special Chief Secretary to the Revenue Dept., State of A.P., Secretariat, Hyderabad.
- 2 The District Collector, R.R.District, Khairatabad, Hyderabad.
- 3 The District Registrar, Stamps and Registration, R.R.District.
- 4 The Sub-Registrar, Champapet, Hyderabd,.
- 5 Two CCs to the G.P for Revenue, High Court of A.P., Hyderabad(O.U.T).
- 6 2 CD copies.